



MEMO ENDORSED

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January 14, 2022

VIA ECF

Honorable Lewis A. Kaplan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Francisco Javier Casablanca-Torres v. City of New York, et al.,
21 Civ. 10832 (LAK) (JLC)

Your Honor:

I am a Senior Counsel in the office of Georgia M. Pestana, Corporation Counsel of the City of New York, attorney for defendants the City of New York, Mayor Bill de Blasio, New York City Police Department (“NYPD”) Commissioner Dermot Shea, and NYPD Chief of Department Terrance Monahan (collectively, “Defendants”), and I write to correct a misstatement in Defendants’ previous request to the Court, and to respectfully request that this matter be reinstated into the Section 1983 Plan, pursuant to Local Rule 83.10. Plaintiff opposes this motion.

In a letter motion dated January 13, 2022, the undersigned stated that this matter remained in the Section 1983 Plan, as Ordered on December 20, 2021. However, in a December 21, 2021 Order Your Honor removed this matter from the Section 1983 Plan.

Because of the efficiency of the Section 1983 Plan, and because similarly situated matters have been assigned to the Section 1983 Plan. Inclusion of this matter in the Section 1983 Plan is the most efficient way to proceed. This will allow defendants ample time to investigate the allegations in the Complaint and begin to gather relevant documents. In addition, given that this does not appear to be a very complex matter, inclusion in the Section 1983 Plan will streamline the parties’ discovery efforts and resources, minimize attorney’s fees, and afford the parties an opportunity to resolve this matter with the assistance of the Southern District’s Mediation Office. Finally, highly similar cases have been included in the Section 1983 Plan. See, Rebecca Margolies v. City of New York, et al., 21 Civ. 10839 (PKC) (case filed in New York State Court

by Plaintiff's counsel (Gideon Oliver, Elena Cohen, et al.) alleging violations of protester-plaintiff's rights on June 4, 2020 that was removed and Ordered into the Section 1983 Plan); Marie DeLuca, et al. v City of New York, et al., 21 Civ. 10777 (AJN) ((case filed in New York State Court by Plaintiff's counsel (Gideon Oliver, Elena Cohen, et al.) alleging violations of protester-plaintiff's rights on June 4, 2020 that was removed and Ordered into the Section 1983 Plan)).

In light of the foregoing, Defendants respectfully request that the Court Order this matter back into the Section 1983 Plan. Thank you for your consideration.

Respectfully submitted,

Peter W. Brocker

Peter W. Brocker, Esq.
Senior Counsel

cc: All Counsel of Record (via ECF)

Denied

SO ORDERED

Lewis A. Kaplan
LEWIS A. KAPLAN, CSDJ

1/17/22